

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Demarco Antonio Murphy

Docket No. 5:00-CR-42-1BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Demarco Antonio Murphy, who, upon an earlier plea of guilty to 18 U.S.C. §§ 371, 2119(2) and 2, Conspiracy to Commit Armed Carjacking and Aiding and Abetting, 18 U.S.C. §§ 2119 and 2, Armed Carjacking and Aiding and Abetting, and 18 U.S.C. 924(c)(1)(A)(ii) and 2, Brandishing a Firearm During and Relation to a Crime of Violence and Aiding and Abetting, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge on July 26, 2000, to the custody of the Bureau of Prisons for a term of 221 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Demarco Antonio Murphy was released from custody on December 10, 2013, at which time the term of supervised release commenced. On October 15, 2014, the defendant submitted a urine sample that tested positive for cocaine use. When confronted, the defendant denied use. As a result, substance abuse testing was increased.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On March 16, 2015, the defendant submitted a urine sample that tested positive for cocaine use. When confronted with the results, the defendant admitted he used marijuana that was laced with cocaine prior to the test. In order to enroll the defendant in our Surprise Urinalysis Program and refer him to substance abuse counseling, we are recommending that the conditions of supervision be modified to include drug aftercare. Additionally, the defendant has reported to the probation officer that he may benefit from mental health counseling. As a punitive sanction for this drug use, we would recommend that he serve three days in jail.

As a condition of supervision, the defendant was ordered to pay a \$10,000 fine and restitution in the amount of \$3,440.41. Upon his release, the defendant signed a payment agreement agreeing to pay \$50 per month commencing on February 10, 2014. As of this date, only \$581 has been collected through a tax offset. We will continue efforts to collect the monetary obligations as ordered. At this time, it is recommended that supervision be continued.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

U.S. Probation Officer

310 Dick Street

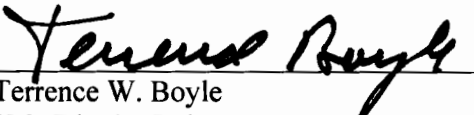
Fayetteville, NC 28301-5730

Phone: 910-354-2537

Executed On: March 31, 2015

ORDER OF THE COURT

Considered and ordered this 31 day of March, 2015 and ordered filed and made a part of the records in the above case.



Terrence W. Boyle

U.S. District Judge